

ORDINANCE NO. 4201

AN ORDINANCE OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, AMENDING ARTICLE XI, SECTIONS 17-381, 17-382, 17-383, 17-385, 17-386 AND 17-389, OF CHAPTER 17, MOTOR VEHICLES AND TRAFFIC, OF THE SCOTTSDALE REVISED CODE, FOR THE REGULATIONS OF PEDALBUSES LICENSED AS LIMOUSINES.

BE IT ORDAINED by the Council of the City of Scottsdale as follows:

Section 1. Section 17-381. Definitions. is amended as follows:

Sec. 17-381. Definitions.

(a) In this article, unless the context otherwise requires a different meaning:

Helper motor means a device with: (i) a maximum piston displacement of fifty (50) cubic centimeters or less, (ii) a brake horsepower of one and one-half (1½) or less, and (iii) a maximum speed of twenty-five (25) miles per hour or less on a flat surface with less than a one per cent grade.

Limousine pedalbus means a pedalbus that is licensed by Arizona as a limousine, as limousine is defined in Arizona Revised Statutes, Sec. 41-2051.

Nighttime means the period between sunset and sunrise.

Operator means the person in physical control of a pedalbus.

Owner means a person who owns or holds an ownership interest in a pedalbus.

Pedalbus means a device that transports passengers, is powered by one or more individuals (with or without a helper motor), and that is not a pedicab as defined in this chapter.

(b) The terms *beer*, *spirituous liquor* and *wine* are defined as set forth in Arizona Revised Statutes, Sec. 4-101.

Section 2. Section 17-382. Pedalbus safety equipment. is amended as follows:

Sec. 17-382. Pedalbus safety equipment.

(a) It is unlawful to operate a pedalbus without:

(1) Using two lamps on the front that emit a constant white light to illuminate a person or vehicle at least fifty (50) feet to the front during nighttime.

(2) Using two lamps on the front that emit a constant white light visible from at least five hundred (500) feet to the front during nighttime.

(3) Having two lamps on the front that emit a constant amber light visible from at least fifty (50) feet to the front during nighttime, except for a limousine pedalbus.

(4) Using an Arizona Department of Transportation-approved red reflector on the rear visible from at least fifty (50) to three hundred (300) feet to the rear when the reflector is directly in front of lawful motor vehicle upper beams during nighttime.

(5) Using a lamp on the rear that emits a constant red light visible from at least five hundred (500) feet to the rear during nighttime.

(6) Having a slow-moving vehicle emblem on the rear: a truncated equilateral triangle at least fourteen (14) inches high with a red reflective border at least one and three-quarters (1¾) inches in width and a fluorescent orange center.

(7) Front and rear working directional signals.

- (8) A braking system capable of stopping the pedalbus safely.
- (9) A mirror located to reflect to the operator a view of the road at least two hundred (200) feet to the rear.
- (10) A horn audible from at least fifty (50) feet away.

Section 3. Section 17-383. Pedalbus size. is amended as follows:

Sec. 17-383. Pedalbus size.

- (a) It is unlawful to operate a pedalbus that:
 - (1) Is wider than 72 78 inches (6 feet, 6 inches) at its widest point.
 - (2) Is longer than 264 inches (22 feet) at its longest point.
 - (3) Carries more than sixteen passengers, except for limousine pedalbuses.
- (b) It is unlawful to operate a limousine pedalbus with a seating capacity more than fifteen passengers, including the driver.

Section 4. Section 17-385. Pedalbus operation. is amended as follows:

Sec. 17-385. Pedalbus operation.

- (a) It is unlawful for an operator to operate a pedalbus:
 - (1) By riding other than on or astride a permanent and regular seat attached to the pedalbus.
 - (2) Carrying more passengers than the number of seats available.
 - (3) In a manner that results in damage to public property.
 - (4) In a manner that results in colliding with a pedestrian.
 - (5) Obstructing pedestrian traffic on a sidewalk.
 - (6) Equipped with a siren, whistle or air horn.
 - (7) With any sound amplification system (other than a horn) which disturbs the comfort of any person of reasonable sensibilities in the vicinity.
 - (8) Without a clearly visible manufacturer's serial or identification number on the pedalbus.
 - (9) Carrying anything that prevents the operator from keeping at least one hand on the steering wheel.
 - (10) Knowingly permitting another to attach their person, bicycle, coaster, sled, toy vehicle, roller skates, skateboard, scooter or other rolling device to the pedalbus.
 - (11) With any trailer or other rolling device attached to the pedalbus.
 - (12) Knowingly permitting passengers to possess or consume ~~alcohol~~ **spirituous liquor** while riding the pedalbus, except for a limousine pedalbus.
 - (13) While possessing or consuming ~~alcohol~~ **spirituous liquor**, or while under the influence of ~~alcoholic beverages~~ **spirituous liquor** or controlled substances.
 - (14) Between 11:00pm and 6am the next morning.
 - (15) On a street or alley that has been closed by the City to motor vehicles.
 - (16) On Civic Center Mall.
 - (17) On a street with a posted speed limit greater than twenty-five (25) miles per hour, except for crossing that street.
 - (18) On a street or public area that has been ordered closed to pedalbuses by the Chief of Police.
 - (19) Containing signage that is otherwise prohibited by the Zoning Ordinance for vehicles.
- (b) It is unlawful for an operator to operate a limousine pedalbus:
 - (1) Knowingly permitting passengers to possess or consume **spirituous liquor**, other than wine and beer, while riding the limousine pedalbus.

(2) Knowingly permitting passengers to possess or consume spirituous liquor from any glass container while riding the limousine pedalbus.

Section 5. Section 17-386. Pedalbus parking. is amended as follows:

Sec. 17-386. Pedalbus parking.

A pedalbus may be parked only in compliance with Arizona and City parking regulations applicable to vehicles. Parking a pedalbus in a city-designated bus stop, bus stand, taxicab stand, passenger convenience area, or other public carrier stand is prohibited.

Section 6. Section 17-389. Insurance. is amended as follows:

Sec. 17-389. Insurance.

(a) The owner shall maintain at all times:

(1) For a pedalbus, a commercial general liability insurance policy in the amount of at least one million dollars (\$1,000,000) per occurrence and two million dollars (\$2,000,000) annual aggregate seven hundred fifty thousand dollars (\$750,000), or

(2) For a limousine pedalbus, a commercial combined single limit liability insurance policy in the amount of at least seven hundred fifty thousand dollars (\$750,000) and uninsured motorist coverage in the amount of at least three hundred thousand dollars (\$300,000).

(b) The insurance company issuing the policy shall be authorized to issue commercial liability policies in Arizona by the Arizona Department of Insurance.

(c) The policy shall designate by manufacturer's serial or identification number all pedalbuses for which coverage is granted.

(d) The policy shall insure the person named in the policy and any other person using the pedalbus with the express or implied permission of the named insured against any liability arising out of the ownership, maintenance or use of the pedalbus in Arizona.

(e) The policy shall name the City as an additional insured.

PASSED AND ADOPTED by the City Council of the City of Scottsdale this 5th day of May, 2015.

ATTEST:

CITY OF SCOTTSDALE, an
Arizona municipal corporation

By: _____
Carolyn Jagger, City Clerk

By: _____
W.J. "Jim" Lane, Mayor

APPROVED AS TO FORM:

Bruce Washburn, City Attorney
By: Luis E. Santaella, Senior Assistant City Attorney